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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1441st MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 7 March 2001, at 3 p.m.

Chairman: Mr. SHERIFIS

later: Mr. RECHETOV
(Vice-Chairman)

later: Mr. SHERIFIS
(Chairman)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Fifteenth and sixteenth periodic reports of Iceland (CERD/C/338/Add.10; CERD/C/384/Add.1; HRI/CORE/1/Add.26)

1. At the invitation of the Chairman, Mr. Bogason, Ms. Thorarensen, Mr. Jónsson and Ms. Davidsdóttir (Iceland) took places at the Committee table.

2. Ms. THORARENSEN (Iceland) said that the influence of human rights treaties on the Icelandic legal system had increased significantly since the far-reaching amendments to the human rights chapter of the Constitution in 1995. Although the treaties were not directly enforceable in the Icelandic legal system, the Supreme Court and other courts frequently referred to them when applying and interpreting Icelandic law. For example, in a recent judgement recognizing the existence in Iceland of substantive social rights, the Supreme Court had cited the International Covenant on Economic, Social and Cultural Rights in conjunction with article 65 of the Constitution. Although the issue of racial discrimination had not yet been raised before the courts, it was generally recognized that the Constitution now provided comprehensive legal protection in that area. People in Iceland were better informed of their rights than ever before and knew that they were enforceable through the Icelandic legal system and international monitoring bodies.

3. Iceland had signed and would shortly ratify Protocol No. 12 to the European Convention on Human Rights, which prohibited discrimination on grounds of race, colour, descent, national or ethnic origin and various other grounds. A new comprehensive bill on aliens had been submitted to Parliament in autumn 2000. Replacing the 1965 Aliens Act, it would secure the right of foreigners to reside in Iceland or to apply for permits, the right of asylum, and the right of refugees and others to protection against persecution.

4. In its concluding observations on the fourteenth periodic report of Iceland (CERD/C/304/Add.27), the Committee had suggested that further publicity be given to Iceland's declaration under article 14. The Convention had been widely publicized and was accessible to all. It formed part of the constitutional law curriculum for university students and was a compulsory part of the course for students at the Icelandic Police College. Training courses in human rights covering all the international human rights treaties were now being provided for public officials, including judges, prosecutors, and police and customs officers. Iceland's reports and the Committee's concluding observations were distributed to the media and Icelandic human rights monitoring bodies and published on the Internet. The Ministries of Justice and Foreign Affairs contributed 6 million Icelandic kronur each year to the Icelandic Human Rights Centre. The Ministry of Justice had distributed human rights material, including a poster of the Universal Declaration of Human Rights, to official institutions. As no application for protection against racial discrimination had been filed with the administrative authorities, the Ombudsman or the courts, the authorities had made no special effort to publicize the remedy available under article 14 of the Convention which required that domestic remedies should first have been exhausted.

5. With regard to article 4 of the Convention, section 180 of the General Penal Code made it a punishable act for a business or service operator to refuse to sell goods or services to a person on grounds of nationality, colour, race or religion. Section 233 (a) made it an offence to attack a person or group of persons in public by mockery, slander, insult, threats or other means on grounds of nationality, skin, colour, race or religion. Article 74 of the Constitution provided for the dissolution of associations whose purposes or methods were unlawful, a provision that would undoubtedly be applicable to an association advocating racial discrimination. The authorities were concerned, for example, by the activities of the Association of Icelandic Nationalists, a small group of young people who believed in the superiority of the Icelandic race and opposed any mixing with other races. They propagated their ideas mainly through an Internet Web site. Although the public response had generally been one of censure and disparagement, the authorities took the threat seriously. A recent interview in a major Icelandic newspaper, in which the leader of the group had made degrading comments about coloured people, had led to a heated public debate, particularly regarding media responsibility, and Parliament had discussed whether article 233 (a) of the General Penal Code had been violated. The Director of Public Prosecutions was considering whether to take action and a police investigation would probably be initiated.

6. Mr. BOGASON (Iceland) said that a number of measures had been taken in response to the Committee's recommendation concerning article 7 of the Convention. The revised curriculum for nursery and primary schools introduced in mid-1999 focused on the promotion of tolerance. The curriculum for nursery schools was also designed to promote personality development regardless of mental or physical abilities, sex, origin, cultural heritage or religion. Children from other cultures were encouraged to become active participants in their new society without losing their ties to their own culture, language or religion. In general, the children were taught to respect the customs and characteristics of all nations of the world. The primary school curriculum provided for tuition in the Icelandic language for pupils with other native languages so that they could participate fully in Icelandic schoolwork and society.

7. The Information and Cultural Centre for Foreigners in the city of Reykjavik catered for immigrants and other foreigners residing in Iceland, offering children native language tuition in Chinese, English, Japanese, Portuguese, Russian, Thai and other languages as required. It also organized activities designed to eradicate prejudice against people of different race or origin. A Committee on Multicultural Society had recently published a report setting forth a policy on the promotion of tolerance towards foreigners. The Cultural Centre would shortly be replaced by an International House supported by all municipalities in the Reykjavik area. A centre for immigrants had been established in the Western Fjords, an area with a particularly large immigrant population. The purpose of the centre, which would start operating later that month, was to facilitate relations between Icelanders and foreign nationals, to cooperate with the municipal authorities in providing services to foreigners and to facilitate their adaptation to Icelandic society. The Ministry of Social Affairs had published a booklet in July 1998 on the rights and duties of foreigners in Iceland, together with practical information on Icelandic society and law and on the most important institutions.

8. The Icelandic Government had decided in July 2000 to ratify the amendment to article 8, paragraph 6, of the Convention. The ratification document, dated 1 August 2000, would be deposited later that month.

9. Mr. LECHUGA HEVIA (Country Rapporteur) welcomed the adoption by Iceland of sections 180 and 233 (a) of the General Penal Code. Article 74 of the Constitution, which protected freedom of association, provided for the dissolution of associations considered to have unlawful objectives. But article 4 of the Convention made no mention of unlawful objectives; it required States parties to condemn all propaganda and all organizations based on ideas or theories of superiority of a particular race, to declare an offence punishable by law all dissemination of ideas based on racial hatred and to declare illegal and prohibit such organizations. According to the Icelandic Human Rights Centre, no public official or politician had made any statement concerning the activities of the Association of Icelandic Nationalists mentioned by the delegation. Article 4 was a key provision of the Convention and strict compliance with its letter and spirit was essential.

10. He welcomed the fact that individuals whose rights had been violated could seek legal redress and obtain damages, moral compensation and annulment of administrative decisions. He further welcomed the protection provided by article 65 of the Constitution, as described in paragraph 16 of the fifteenth periodic report (CERD/C/338/Add.10). Another positive step was the abolition of the requirement for a foreigner to assume an Icelandic name on acquiring Icelandic citizenship.

11. He noted that, despite the Committee's recommendation in its concluding observations on Iceland's fourteenth periodic report (CERD/C/304/Add.27), the Convention had not yet been incorporated in Icelandic domestic law. He reiterated the Committee's comment that conferring constitutional status on the Convention would enhance its effectiveness by providing for direct domestic application.

12. According to paragraph 29 of the fifteenth report, no civil or criminal cases concerning racial discrimination had been brought before the courts in recent years and neither the Ombudsman of the Althing nor the Children's Ombudsman had received any complaints of that nature. As the Convention and the Committee's concluding observations were, by all accounts, well publicized, the absence of complaints could not be ascribed to lack of awareness, except perhaps among immigrants who were not familiar with the Icelandic language. It was a point that the delegation might be able to clarify. The language barrier was clearly a problem for all immigrants and it would be interesting to have a full account of the recommendations made by the committee referred to in paragraph 7 of the fifteenth periodic report. According to the Icelandic Human Rights Centre, the Information and Cultural Centre for Foreigners in Reykjavik often received complaints from foreign residents of harassment by private individuals. In the case of Asian women, such threats were allegedly almost always of a sexual nature and the police could not be relied on to respond to complaints.

13. He gathered from the delegation's statement that the bill on foreigners referred to in paragraph 6 of the fifteenth report had not yet been enacted. He welcomed the information given on the requirements for obtaining citizenship and for the adoption of foreign children by Icelandic citizens. However, according to the Icelandic Human Rights Centre, there was an urgent need to clarify the status and rights of foreigners in order to prevent racial discrimination.

14. He would be interested to hear what action had been taken on the reform proposals made by the committee established to formulate an overall policy on immigrants referred to in paragraph 5 of the sixteenth report. He would also welcome information about infant mortality and morbidity and life expectancy among immigrants. How did the figures compare with those for Icelandic citizens?

15. He asked whether the new curricula for nursery and primary schools had already achieved any practical results. According to paragraph 8 of the sixteenth periodic report, secondary school students with limited knowledge of the Icelandic language were entitled to tuition in Icelandic, but the educational adviser on bilingual education in Reykjavik considered that bilingual students did not receive sufficient education either in Icelandic or in their mother tongue, so that they had difficulties in finding employment. Apparently, only 10 per cent of bilingual children went on to secondary education after completing compulsory education. Moreover, disparities in budget appropriations as between administrative regions allegedly resulted in discrimination among children in the area of education.

16. He was pleased to hear that the centre for immigrants in the Western Fjords would shortly commence its activities. Other positive developments were the amendment of the legislation so that the child of an unmarried foreign woman living in Iceland would acquire Icelandic nationality and the granting of citizenship to stateless children born in Iceland. He further noted that the law requiring the leaders of religious associations to be Icelandic citizens had been revoked. Lastly, he asked the delegation to comment on reports that foreigners, particularly women, were paid low wages in Iceland, regardless of their level of education.

17. Mr. Rechetov, Vice-Chairman, took the Chair.

18. Mr. de GOUTTES commended the punctual submission of Iceland's periodic report. There was much to be commended in the fifteenth and sixteenth periodic reports, including the news that Iceland had made the declaration under article 14 of the Convention. It showed that the complaints procedures available under the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention on Human Rights, to which Iceland was also signatory, were complementary. However, pending the implementation of Protocol No. 12 to the European Convention on Human Rights, which Iceland had also signed, the complaints procedure under the International Convention remained broader in scope. Other positive developments included the Personal Names Act and amendments to the General Penal Code.

19. He noted with satisfaction that, in response to the Committee's previous recommendations, the periodic reports provided details on the Icelandic Nationality Act as well as useful statistics on the ethnic composition of the population. Also praiseworthy were the Government's efforts to disseminate information on the State party's periodic reports. He asked the delegation to provide further information on the progress and contents of the Bill on Aliens in Iceland recently submitted to Parliament.

20. According to the Icelandic Human Rights Centre, a non-governmental organization (NGO), notwithstanding the 1996 amendments to the General Penal Code some lacunae remained in Icelandic legislation with respect to article 4 of the Convention, specifically the

absence of a ban on racist organizations. Although the matter was touched upon in paragraph 30 of the sixteenth periodic report, he would nonetheless appreciate some further clarification. With regard to article 5 of the Convention, it was also alleged by the NGO that the right to education was not fully guaranteed for bilingual children. With reference to article 6, he expressed disappointment that to date apparently no criminal or civil cases concerning racial discrimination had been brought before the Icelandic courts. That was of particular concern in view of the activities of the Association of Icelandic Nationalists, which, though still relatively small, was clearly attracting increasing media attention. He would welcome more information on the police inquiry and parliamentary debate on the matter.

21. Mr. BOSSUYT welcomed the new Personal Names Act, which would bring Iceland's legislation into line with that of other States parties. He also noted with satisfaction that Iceland was one of the few countries which during the previous 10 years had taken in refugees on a regular basis. Apparently there were very few requests for asylum; more information in that respect would be welcome.

22. According to the statistics provided in the report, the foreign population was still relatively small (approximately 2.6 per cent), but with a high concentration in the Western Fjords area. It was interesting to note that the largest group of recent immigrants was of Polish origin. What were the reasons for that and were they illegal or legal immigrants? What criteria did the latter have to meet under Iceland's immigration policy? A further positive development in that connection was the incorporation of the principle of equality before the law in the Constitution.

23. The Icelandic Nationality Act seemed rather complex. Was it possible for foreign nationals to acquire Icelandic citizenship without relinquishing that of their country of origin? According to the information provided, the reverse was not possible for Icelandic citizens. He was also somewhat perplexed by the conditions for the release from Icelandic citizenship described in paragraph 13 (iii) and sought clarification in that regard. In conclusion, he welcomed the amendments to sections 180 and 233 (a) of the General Penal Code.

24. Mr. THORNBERRY asked for more information on support given to bilingual children. Paragraph 6 of the sixteenth periodic report referred to assisting children at nursery school level in becoming active participants in their new society without losing ties with their own culture, whereas according to paragraph 7 the emphasis in primary education seemed to be on teaching in the Icelandic language. How was that reflected in the national curriculum? Was the overall intent to provide monolingual rather than bilingual education? He realized that, given the small number of foreigners in the country, the demand for the latter was not high; nevertheless it could have great benefits in present-day society. As to teaching the promotion of tolerance, was it focused on groups that really existed in Iceland or was it more abstract in approach?

The meeting was suspended at 4.15 p.m. and resumed at 4.20 p.m.

25. Ms. THORARENSEN (Iceland) said that the Country Rapporteur had provided an accurate picture of the situation in Iceland. Responding to his questions and comments, she said that there was widespread concern about the Association of Icelandic Nationalists, in particular following the interview given by the group's leader published in the Icelandic press on

17 February 2001. There had been prompt reaction to it by the authorities. The Director of Public Prosecutions was in the process of ordering a police inquiry to ascertain to what extent the Association was organized and whether there might be a case for a violation of article 233 (a) of the General Penal Code. In the affirmative, steps would be taken in accordance with the Constitution to ban the association and take criminal action against the persons responsible for it. The Committee would be kept abreast of any notable developments. As to the reference to the failure of the authorities to condemn the association, the matter had been a subject of broad-ranging debate in Parliament. It was a new and unwelcome problem for Iceland which would be taken seriously.

26. The only international human rights instrument that had been incorporated into Icelandic legislation was the European Convention on Human Rights and that had been done in 1994 prior to the extensive amendments to the Constitution. However, the basic principles set forth in the United Nations human rights instruments were enshrined in the amended Constitution and interpreted with direct reference to them. A good example was the International Covenant on Economic, Social and Cultural Rights, which was specifically mentioned in the constitutional provision relating to the right of individuals to social benefits. In recent years such international treaties had had considerable influence on the application of Icelandic law and that trend was likely to continue. If a case on racial discrimination was brought before the Icelandic courts, the International Convention on the Elimination of All Forms of Racial Discrimination would undoubtedly be invoked. So it could be said that the Convention enjoyed similar status to that of the Constitution, since it was based on the principles enshrined in that instrument.

27. The Convention had been translated into Icelandic in 1996 and published in the General Law Collection together with the Constitution and other human rights instruments. The Convention, Iceland's periodic reports and the Committee's concluding observations and recommendations thereon had also been posted on the Internet - a very powerful and extensively used medium in Iceland. Relevant information had also been disseminated to the Icelandic media. There had been an increase in public awareness about human rights issues in recent years.

28. Regarding the remedies available to victims of human rights violations, Icelandic citizens frequently brought petitions before the European Court of Human Rights. Perhaps its popularity distracted attention somewhat from the complaints procedures under the United Nations human rights instruments, although some Icelandic citizens had availed themselves of the procedure under the International Covenant on Civil and Political Rights. She was confident that the general public had sufficient information to seek remedies through the other instruments if necessary.

29. She had no knowledge of the frequent complaints reportedly addressed to the Information and Cultural Centre for Foreigners about racist acts and general harassment against foreigners by Icelandic nationals. At least no formal complaints had been made to the police along those lines. The only possible case of racial discrimination currently pending was that taken up on the personal initiative of the Public Prosecutor following the degrading comments about coloured people made by the leader of the Association of Icelandic Nationals in his press interview. The Icelandic authorities were doing their best to inform foreigners of their rights, who were guaranteed access to the police and the necessary support in the event of possible civil action.

30. Mr. BOGASON (Iceland) said that the Bill on Aliens to update the 1965 Aliens Act had been before Parliament since autumn 2000 and was expected to be passed the following spring. The comprehensive draft legislation outlined the rights and duties of foreigners residing in Iceland and also contained provisions on the granting of permits and visas, the protection of refugees and asylum-seekers, and border controls.

31. Many of the proposals put forward in the report issued in June 1997 by the Government-appointed committee to formulate an overall policy on immigration in Iceland had already come into effect. They included the new curricula for nursery and primary schools and other support measures such as the centre for immigrants to be opened shortly in the Western Fjords area where there were large numbers of immigrants.

32. Ms. THORARENSEN (Iceland) admitted that the general tendency in Iceland for women - especially foreigners - to hold lower paid jobs than men persisted. In the case of foreigners, it was linked to their inability to speak Icelandic, which reduced their chances on the labour market. Accordingly, one of the many measures that both the central Government and the local authorities were taking to enhance their situation was support for language courses for such persons.

33. Responding to Mr. de Gouttes' question concerning the applicability of article 4 of the Convention to legal proceedings that would ensue from a particular case of a racist association, she said that there were as yet no clear examples. The first "test" case was under police investigation; if it revealed that the specific objective of the Association of Icelandic Nationalists was to propagate the idea of Icelandic racial superiority and expound racist views, the authorities would do all in its power to disband it, as provided for in the Constitution. Steps would be taken to amend the legislation if it were found to be inadequate. In any event, detailed information on the outcome of the case would be furnished in the country's next report.

34. Referring to the Icelandic Human Rights Centre's allegation that education was not guaranteed on an equal basis for bilingual children, she said that there was a plethora of nationalities living in Iceland, some comprising one or two persons. She could not guarantee that Iceland's policy was to provide bilingual primary education for them all in the foreseeable future, although the Government and the Reykjavik community was encouraging that endeavour. Support was being given to larger groups to help them study Icelandic as well as their native language. One problem the authorities faced was the existence of families in which the parents spoke to their children and to each other in poor English, so that the children learned neither Icelandic nor their mother tongue. The Information and Cultural Centre for Foreigners in Reykjavik was already playing an important role in that regard.

35. Mr. de Gouttes was right in saying that no case had as yet been prosecuted under section 233 (a) of the General Penal Code, although one was at the pre-trial stage. It was true that there were few foreigners in Iceland, but the numbers were increasing, with a current 7 per cent in the Western Fjords, where a multicultural society was beginning to thrive, with the help of its own inhabitants and the authorities alike.

36. Mr. BOGASON (Iceland) said that Danish immigrants had currently been surpassed in number by Poles who went to Iceland to seek work and lived there legally.

37. Mr. BOSSUYT asked what criteria the Government applied to enable Poles to reside legally in Iceland and whether all other nationalities were equally welcome.

38. Ms. THORARENSEN (Iceland) said that Poles were in great demand as workers in the recent building boom in Iceland, which, having low unemployment, had never been plagued by the problem of foreigners depriving nationals of work. Icelandic companies advertised in Poland; Poles sought and were issued with work permits, and were highly respected in Iceland. Some did return to Poland after a time, but many stayed on, marrying either Polish or Icelandic women, and becoming well integrated. The former common Nordic single-nationality policy had been amended and, under the current system of dual nationality, foreigners were not required to relinquish their nationality if they became Icelandic citizens. The Government would supply fuller details in its next report.

39. Replying to questions asked by Mr. Thornberry, she said that children of foreign origin were encouraged to learn their own language before embarking on the study of Icelandic. Immigrants could be taught both their native language and Icelandic at the new International House. On the subject of education for tolerance, it was established as a matter of policy in the curriculum. In addition, primary schools offered a course in life and society, teaching children about other peoples and other religions in an effort to promote tolerance. Since no major clashes or specific cases of intolerance had been reported, it was not a topic dealt with through the law enforcement system, but in a more abstract manner.

40. Mr. BOSSUYT requested further clarification of the dual-nationality issue. He considered it discriminatory that while foreigners did not lose their original nationality upon becoming Icelandic citizens, section 7 of the Nationality Act stipulated that an Icelander acquiring a foreign nationality must do so.

41. Ms. THORARENSEN (Iceland) explained that, to the best of her knowledge, that was the case if an Icelander actively sought a second nationality. However, the legislation was 50 years old, and might have been changed. She would make sure that updated information was provided to the Committee in Iceland's next report. What was certain was that the Constitution afforded protection to Icelanders who, for one reason or another, such as marriage, acquired a second nationality without actively seeking it. In conclusion, she thanked Committee members for their positive comments, assuring them that responses to their concerns would be reflected in Iceland's future reports.

42. Mr. LECHUGA HEVIA (Country Rapporteur) commended the delegation's detailed replies which supplemented the comprehensive reports and amply reflected the positive process under way to eliminate racial discrimination. Although article 4 of the Convention had not been fully incorporated into Icelandic law, the delegation had assured the Committee that a judicial process was under way to remedy the situation, and that it was already pursuing one allegedly racist organization. He appreciated the delegations' clarifications concerning the rights of immigrants, and hoped that the next report would provide further information on the law shortly to be enacted in that regard, and on the other bills mentioned in the sixteenth periodic report.

43. The CHAIRMAN associated himself with Mr. Lechuga Hevia's positive remarks and his appreciation of the fruitful and constructive dialogue between the Committee and the delegation.

44. The delegation of Iceland withdrew.

Review of the implementation of the Convention in States parties whose reports are excessively overdue

Jamaica

45. Mr. RECHETOV said that Jamaica had last submitted a report in 1985. In 1993, the Committee had considered the situation in Jamaica without a country report but with the participation of a representative of that country, who had provided some information. If the Committee was to consider the situation in Jamaica without a country report, it must ascertain whether or not Jamaica would be sending a representative.

46. The CHAIRMAN said that the Permanent Mission of Jamaica would be contacted to ascertain whether it intended to send a representative on either 8 or 13 March. If it did, the situation in Jamaica would be taken up on one of those dates. If it did not, the Committee would hold its discussion on the next day, i.e. 8 March.

47. It was so agreed.

Lao People's Democratic Republic

48. Mr. de GOUTTES said that the Committee needed to decide how it would respond to the letter from the Lao People's Democratic Republic - for which he was the Country Rapporteur - requesting postponement of consideration of its report. The letter referred to a United Nations Development Programme (UNDP) cooperation project that would help the Government prepare the report. While acknowledging that the Lao People's Democratic Republic was very poor and was facing social and political difficulties, the letter did not specify a new date for submission, as the Committee required.

49. The CHAIRMAN said that, if the Committee accepted the request for a postponement, the earliest possible date for consideration would be March 2002, which meant that the Lao People's Democratic Republic must submit the report by the end of January.

50. Mr. RECHETOV agreed that the report should be requested by that date. If the Lao People's Democratic Republic did not comply, the Committee would then consider the situation there without a report. Meanwhile, in view of the difficult situation in that country, the Committee should be flexible and grant a postponement.

51. Mr. de GOUTTES noted that the previous report had been submitted in 1984 and considered in 1985. Since then, the Committee had considered the situation in that country in 1992 and in 1996 without a report. Another solution might be to give a brief presentation of the situation on the basis of other United Nations reports so as to draw attention to questions that might be covered in the next periodic report.

52. Mr. RECHETOV said that that solution was acceptable.

53. It was so agreed.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Periodicity of consideration of States parties' reports

54. The CHAIRMAN invited the Committee to discuss the problem that arose from the fact that it was sometimes called upon to consider the report of a State party only months before its next report was due. Did the Committee wish to conform strictu sensu to the provisions of article 9 of the Convention, to the effect that a State party must report to the Committee every two years? Or would it prefer to apply a formula whereby a country that had submitted its fifteenth report, for example, would be excused from submitting the sixteenth, on the grounds that the sixteenth was an updating report, thereby giving that country two more years?

55. Mr. BOSSUYT suggested that, given the number of reports still pending consideration by the Committee and the pressure of time, it could be suggested that Iceland, for instance, might wish to submit its seventeenth and eighteenth reports together.

56. Mr. de GOUTTES, endorsing Mr. Bossuyt's view, said that the Committee had taken the logical decision to allow States parties that were late in submitting their reports to submit a single report comprising all overdue reports, on the grounds that a State party that had produced a good report should be given more time to submit the following one. That was not being done in practice, since reference continued to be made in the Committee's concluding observations to the need to adhere to the formal timetable, which was unwise.

57. The CHAIRMAN said he had raised the question early in the session precisely in order to determine how other States parties submitting reports at the present session should be treated.

58. Mr. DIACONU said that most States parties presented merged reports every four years. If all States parties reported every two years, the Committee would be swamped and unable to perform its task. Fortunately, countries adapted to the Committee's time pressures and vice versa. While he could accept Mr. Bossuyt's suggestion, the Committee could hardly claim that Iceland had presented its seventeenth report in March when it was due to do so in May. It could make suggestions to a State party, but could not decide to change a fixed timetable. What was needed was more regular consideration of reports from countries with serious racial discrimination problems.

59. Mr. RECHETOV said that if the Committee altered the procedure for submitting reports, it might be opening Pandora's box. The Committee should consider the reports as it saw fit, and it must insist that reports be submitted in keeping with the Convention's requirements. If States that already had a poor reporting record had the impression that the Committee was straying from the Convention, they might stop submitting reports altogether.

60. The CHAIRMAN asked Mr. Bossuyt to produce a version of his proposal that would do justice to the Convention, the States parties and the views of the members of the Committee.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 11) (A/CONF.189/PC.2/12, A/CONF.189/WG.1/3)

61. Ms. McDOUGALL reported to the Committee on the meeting of the inter-sessional working group, which had begun the day before at the Palais des Nations. The working group had had before it the documents produced in the regional preparatory committees and a draft declaration and programme of action (A/CONF.189/WG.1/3) drawn up by the secretariat of the World Conference. There had been a general debate, and the intention had been that it would be followed by a line-by-line analysis and editing of the secretariat's text, which was to become the document presented at the second Preparatory Committee meeting in the last two weeks of May and, later, the document to be adopted at the World Conference in early September. Meetings were scheduled throughout the week, with a conclusion of deliberations set for Friday afternoon.

62. In the open debate the day before, countries from the African, Asian and Latin American groups had expressed general and profound disagreement and dissatisfaction with the secretariat's draft document, which, they had argued, reflected little if any of the language or ideas negotiated at the four regional conferences. Given the efforts made at the regional preparatory meetings as well as at a number of meetings of experts around the world, it was unacceptable that the body should start from what in essence would be a blank slate. The three regional groups had then recommended that the secretariat draw up a compilation of each of the regional documents issue by issue to serve as a basis for further debate and the preparation of a composite document. That proposal had been put forward earlier in the day. Considerable discussion had ensued, and the whole process had more or less broken down: an hour earlier, the meeting had again been suspended for consultations and dissatisfaction had been such that there had been talk of cancelling all remaining meetings.

63. During the deliberations, she had made a comparison between the document presenting the Committee's contribution to the preparatory process for the World Conference, drawn up by Mr. Valencia Rodriguez, and the secretariat's draft declaration and programme of action; much left to be desired in the secretariat's document, which referred to numerous international instruments, but gave little attention to the Convention, mentioning it only once in passing in the preamble and very briefly elsewhere. She therefore urged the Committee to remain engaged and to participate fully in every stage of the discussions.

64. Mr. de GOUTTES said that those comments gave cause for concern. It was particularly regrettable that the Committee and the Convention had had so little impact on the drafting of the declaration and programme of action, whereas their impact had been very noticeable at the regional meetings. For example, the final document produced at the regional conference in Strasbourg had been greatly influenced by the Committee's recommendations. It would be useful for the Committee to have a report of the discussions at those regional meetings, which might give a different picture of developments from the one just heard.

65. Mr. YUTZIS said that the situation described by Ms. McDougall was disquieting. He had the impression that the inter-sessional meeting was deadlocked. At the first Preparatory Committee meeting, the Convention had hardly been mentioned, whereas at the regional meetings the Convention and the Committee had been given considerable attention. It was important for the Committee to exert a positive influence on future work.

66. The CHAIRMAN noted that in the document produced at the Asian regional meeting there had been a paragraph on the Convention and, in her statement, the High Commissioner for Human Rights had made a point of referring to the Convention and the Committee. She had also written to the Committee commending it for its contribution to the World Conference and its efforts in the global fight against racial discrimination.

67. Ms. McDOUGALL referred to the report of the Committee's Contact Group, which contained all the recommendations about strengthening the Committee's contribution. In addition to what was contained in the paper on the Committee's contribution, it should also be made clear which of the Contact Group's recommendations the Committee endorsed for enhancing its efforts.

The meeting rose at 6.05 p.m.